

REMARKS

Applicants request reconsideration and allowance in view of the foregoing remarks. Claims 4-6, 17, 18, 24-26, 35, and 37-49 are pending, with claims 4, 17, 24, 35, and 37 being independent. Applicants have rewritten claims 4, 17, 24, and 35 in independent form. Support for new claims 37-49 may be found throughout the application, for example, at page 8, line 12 through page 12, line 17. No new matter has been added.

Initially, Applicants thank Examiner Shingles for returning several signed copies of forms PTO-1449 included with information disclosure statements filed in the present application. Applicants note, however, that the item listed at designation ID AM (WO 02/19661 A2) of the form PTO-1449 filed on April 8, 2004 has not been initialed. Applicants respectfully request consideration of the reference listed at designation ID AM and a returned copy of the form PTO-1449 filed on April 8, 2004 including initials for the reference listed at designation ID AM.

Of the pending claims, claims 4-6, 17, 18, 24-26, and 35 were rejected as being obvious over Kumar (U.S. Patent No. 6,757,836) in view of Davis (U.S. Patent No. 5,877,724). Applicants respectfully request reconsideration and withdrawal of this rejection because neither Kumar, Davis, nor any proper combination of the two, describe or suggest the features of independent claims 4, 17, 24, and 35, as described below.

For example, independent claim 4 recites, inter alia, detecting partially-completed connection transactions that occur when an access requestor initiates a connection transaction and the access requestor subsequently fails to send a reply. Applicants submit that neither Kumar, Davis, nor any proper combination of the two, describe or suggest this feature.

Specifically, Kumar describes a clustered computing system configured to detect when the clustered computing system loses full connectivity and shut down one or more nodes of the system to regain full connectivity. See Kumar at Abstract. To monitor connectivity of nodes in the clustered computing system, Kumar describes that each of the nodes in the system includes a connectivity monitoring manager that monitors for loss of connectivity with other nodes within the system. See Kumar at col. 6, lines 20-30. In particular, the connectivity monitoring managers exchange connectivity messages to detect non-responsive nodes. See Kumar at col. 9, lines 11-65. To detect a non-responsive node, a connectivity monitoring manager periodically

sends connectivity messages to other nodes in the system and determines that a particular node is non-responsive when the particular node fails to respond to a connectivity message sent by the connectivity monitoring manager to the particular node. See id. and col. 2, lines 31-40. As such, the system of Kumar does not detect partially-completed connection transactions that occur when an access requestor initiates a connection transaction and the access requestor subsequently fails to send a reply. Instead, the system of Kumar detects a non-responsive node when a connectivity monitoring manager initiates sending of a message and the non-responsive node fails to send a response. Therefore, for at least these reasons, Applicants submit that Kumar fails to describe or suggest detecting partially-completed connection transactions that occur when an access requestor initiates a connection transaction and the access requestor subsequently fails to send a reply, as recited in independent claim 4.

Davis, which describes a modem that times out when an attempt to establish a connection exceeds a predetermined period of time, fails to remedy the deficiencies of Kumar discussed above. See Davis at col. 11, lines 17-25. Nor does the Office Action contend that Davis does so.

Therefore, for at least the reasons discussed above, Applicants submit that neither Kumar, Davis, nor a proper combination of the two, describe or suggest detecting partially-completed connection transactions that occur when an access requestor initiates a connection transaction and the access requestor subsequently fails to send a reply, as recited in independent claim 4. Accordingly, Applicants respectfully submit that the pending rejection of claim 4 over Kumar in view of Davis is not proper and should be withdrawn. Because independent claim 4 includes the features of claim 4 considered in the present Office Action, Applicants submit that a final Office Action applying a different rejection is not proper and respectfully solicit a notice of allowance or a second non-final Office Action.

In addition, Applicants submit that the rejection of dependent claims 5 and 6 should be withdrawn at least because of their dependency on independent claim 4. Moreover, Applicants submit that the features recited in claims 5 and 6 are not seen in the art of record.

Dependent claim 5 recites, inter alia, detecting partially-completed connection transactions that occur when an access requestor initiates a connection transaction based on a return address that differs from an actual return address of the access requestor, and dependent claim 6 recites, inter alia, detecting partially-completed connection transactions wherein the

return address is an Internet protocol address that differs from the actual return address of the access requestor. Applicants submit that neither Kumar, Davis, nor a proper combination of the two, describe or suggest these features. In particular, neither Kumar, Davis, nor a proper combination of the two, contemplate a return address that differs from an actual return address and, therefore, fail to detect transactions that occur when an access requestor initiates a connection transaction based on a return address that differs from an actual return address. Thus, Applicants respectfully submit that the pending rejection of claims 5 and 6 over Kumar in view of Davis is not proper and should be withdrawn.

Independent claims 17 and 24, although different in scope from claim 4 and each other, recite features similar to independent claim 4, but each does so in the context of a system. Accordingly, for at least the reasons discussed above with respect to claim 4, Applicants request reconsideration and withdrawal of the rejection of independent claims 17 and 24 and their dependent claims.

Independent claim 35 recites, inter alia, that a monitoring component and a terminating component are included in a switch that receives communications from a host computer system. Applicants note that, although claim 35 was listed as being rejected over Kumar and Davis, the Office Action does not substantively address claim 35 and fails to point to any portion of the references with respect to the features of claim 35. Applicants submit that this is not proper and respectfully request reconsideration and withdrawal of the rejection of independent claim 35. Applicants submit that a final Office Action applying a different rejection is not proper and respectfully solicit a notice of allowance or a second non-final Office Action properly addressing the features of independent claim 35. Moreover, Applicants submit that neither Kumar, Davis, nor a proper combination of the two, describe or suggest that a monitoring component and a terminating component are included in a switch that receives communications from a host computer system.

New independent claim 37 recites, inter alia, dedicating, by an access provider, connectivity resources to establishing a connection with an access requestor, waiting for a response, from the access requestor, to an acknowledgement message to establish a connection with the access requestor using the connectivity resources dedicated to establishing a connection with the access requestor, measuring a time period based on an amount of time the access

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Serial No. : 10/698,933
Filed : November 3, 2003
Page : 11 of 11

Attorney's Docket No.: 06975-074002 / Security 05-
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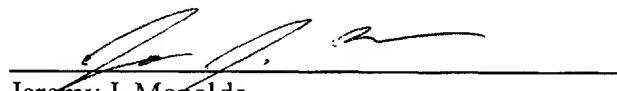
provider has been waiting for the response from the access requestor, and, in response to determining that the measured time period exceeds a threshold time period, making the connectivity resources dedicated to establishing a connection with the access requestor available for use in establishing a connection with another access requestor. Applicants submit that none of the cited references describe or suggest these features and submit that new independent claim 37 and its dependent claims are allowable.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that all claims are in condition for allowance. The fee in the amount of \$420.00 in payment of the excess claim fees is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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